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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 **JESSE AVILA,**

Plaintiff,

15
16 v.

17 **JEANNE WOODFORD, et al.,**

18 Defendants.
19

C 07-0143 MJJ (PR)

**DEFENDANT WOODFORD'S
WAIVER OF REPLY;**

DEMAND FOR JURY TRIAL

20 TO JESSE AVILA, IN PRO SE:

21 PLEASE TAKE NOTICE THAT Defendant Woodford waives her right to reply to the
22 complaint under 42 U.S.C. § 1997e(g). That section provides that:

23 (1) Any defendant may waive the right to reply to any action brought by a
24 prisoner confined in any jail, prison, or other correctional facility under
25 section 1983 of this title or any other Federal law. Notwithstanding any
26 other law or rule of procedure, such waiver shall not constitute an admission
27 of the allegations contained in the complaint. No relief shall be granted to
28 the plaintiff unless a reply has been filed.

(2) The court may require any defendant to reply to a complaint brought under this
section if it finds that the plaintiff has a reasonable opportunity to prevail on the merits.

Id.

1 Defendant reserves her right to file a dispositive motion, should one be warranted.

2 In addition, Defendant demands a trial by jury in this case.

3 Dated: January 25, 2008

4 Respectfully submitted,

5 EDMUND G. BROWN JR.
Attorney General of the State of California

6 DAVID S. CHANEY
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **J. Avila v. J. Woodford, et al.**

No.: **C 07-0143 MJJ (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **January 28, 2008**, I served the attached

DEFENDANT WOODFORD'S WAIVER OF REPLY;

DEMAND FOR JURY TRIAL

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Jesse Avila
2845 Buena Crest Court
San Jose, CA 95121
BFN CQL474:BKN07017371
Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **January 28, 2008**, at San Francisco, California.

T. Oakes
Declarant


Signature